

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL ACTION NO. 07-10314-GAO

NORMAN FERGUSON,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

ORDER
June 1, 2012

O'TOOLE, D.J.

The petitioner, Norman Ferguson, pled guilty to possession of a firearm in violation of 18 U.S.C. § 922(g) and was sentenced to eighty-four months in prison. His subsequent appeal of his sentence was unsuccessful. He has now moved to vacate his sentence pursuant to 28 U.S.C. § 2255.

The petitioner argues that this Court lacked jurisdiction over his criminal case because, he asserts, the United States government did not suffer a particularized injury and therefore lacked standing to bring a lawsuit against him. The petitioner is incorrect. A violation of a federal criminal law is an injury to the sovereignty of the government sufficient to support a lawsuit brought by the government. See Vt. Agency of Natural Res. v. U.S. ex rel. Stevens, 529 U.S. 765, 771 (2000). Here, the petitioner admittedly violated a federal criminal law, and the government therefore had standing to prosecute him. The petitioner's motion (dkt. no. 41) to vacate his sentence is DENIED. Because the petitioner has not "made a substantial showing of

the denial of a constitutional right,” see 28 U.S.C. § 2253(c)(2), no certificate of appealability shall issue.

It is SO ORDERED.

/s/ George A. O’Toole, Jr.
United States District Judge